IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
APPEAL FROM ORDER NO.582 OF 2005

M/s.Mishra Brothers Appellants

Vs.

Shyam Yadav & ors. Respondents

Mr.Anil R. Mishra for appellants.
Mrs.Geeta Jogalekar for BMC.

CORAM: B.H.MARLAPALLE,J.
June 14, 2005.

P.C. :

. Heard the learned counsel for the appellants who have challenged the refusal of ad-interim order in the Notice of Motion which is pending for hearing. The Notice of Motion has been directed to be registered and made returnable on 29/6/2005. The trial Court has noted that the plaintiffs had claimed ownership over the suit property but no document of ownership and possession was placed on record. A copy of the sale deed in respect of CTS No.2839 was also not produced on record and for want of these documents the prayer for ad-interim injunction was refused. Submitting these documents before this Court for the first time would not make out a case to interfere with the order more so when the Notice of Motion is made returnable on 29/6/2005 on which date

the appellants may submit these documents before the Court below and pray for appropriate orders.

. The appeal is, therefore, allowed to be withdrawn with liberty as is available in law.

(B.H.MARLAPALLE,J.)